



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**June 27, 2005**

**SUBJECT:** **San Mateo CPP Investors, LLC:** Applications for related proposals on a 100,150 square-foot project located at **782-820 East El Camino Real** (formerly Best Western Site) in a C-2 (Highway Business) Zoning District (APN: 211-25-001, 002, 003)

**Introduction of an Ordinance** **Rezone** from C-2 (Highway Business) Zoning District to C-2/ECR (Highway Business/El Camino Real Precise Plan) Zoning District;

**Motion:** **Special Development Permit** to allow for the construction of a 19,200 sq. ft. of retail building space.

**REPORT IN BRIEF**

**Existing Site Conditions** Vacant Hotel

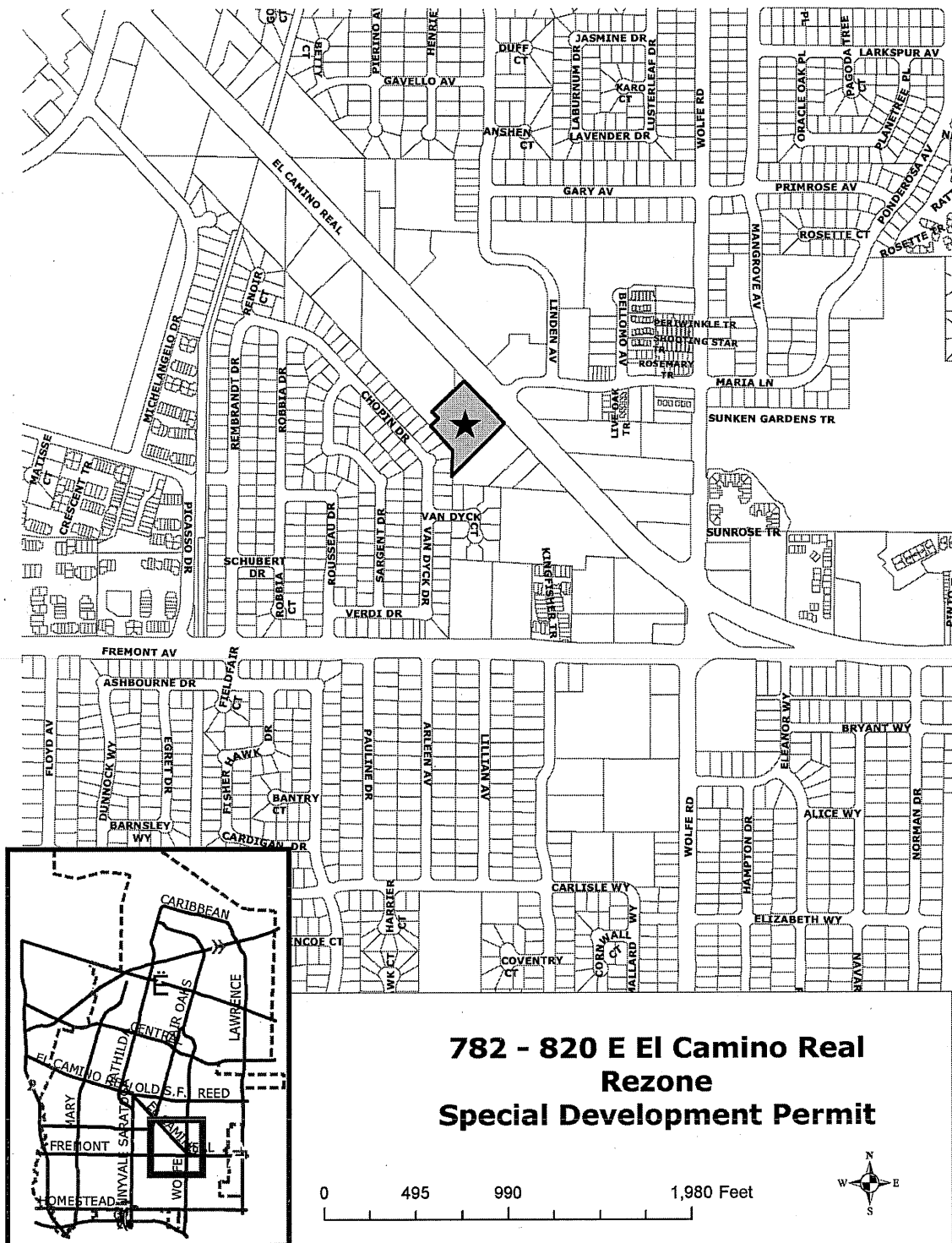
**Surrounding Land Uses**

North	Shopping Center across El Camino Real
South	Single Family Residential
East	Retail
West	Restaurant

**Issues** Drive Thru, Architecture

**Environmental Status** A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation** Approve with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Commercial General Business	Same	Commercial General Business
<b>Zoning District</b>	C-2	Same	C-2
<b>Lot Size (s.f.)</b>	150,348	100,150 (after lot line adjustment)	None
<b>Gross Floor Area (s.f.)</b>	69,065	19,200	No max.
<b>Lot Coverage (%)</b>	24%	19%	35% max.
<b>Floor Area Ratio (FAR)</b>	46%	19%	No max.
<b>No. of Buildings On- Site</b>	5	1	---
<b>Distance Between Buildings</b>	20'	N/A	20' min.
<b>Building Height (ft.)</b>	30'	35'	75' max. (20 ft within 75' of 1-story residential) & (30' within 75' of 2-story residential.)
<b>No. of Stories</b>	2	1	8 max.
<b>Setbacks</b>			
• <b>Front</b>	66'6"	91'	70' min.
• <b>Left Side</b>	8'	44' 7"	0' min.
• <b>Right Side</b>	36'	76'	0' min.
• <b>Rear</b>	2'	63'	10' min.
<b>Landscaping (sq. ft.)</b>			
• <b>Total Landscaping (based on reconfigured lot area)</b>	8,195	23,279	20,030 min.
• <b>Frontage Width (ft.)</b>	5	15'-30'	15' min.
• <b>Buffer (ft.) Adj. Residential</b>	N/A	10'	10' min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
• % Based on Parking Lot	7.2%	45%	20% min
• Parking Lot Area Shading (%)	<5%	50%	50% min. in 15 years
• Water Conserving Plants (%)	0%	70%	70% min.
<b>Parking</b>			
• Total Spaces	165	107	107 min.
• Standard Spaces	159	102	97 min.
• Compact Spaces/ % of Total	0	0	10 max.
• Accessible Spaces	6	5	5 min.
• Bicycle Parking	N/A	1 Class I & 4 Class II	Per VTA Guidelines (1 Class I & 4 Class II)
<b>Stormwater</b>			
• Impervious Surface Area (s.f.) (based on reconfigured lot area)	93,805	61,570	91,136

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **ANALYSIS**

### **Description of Proposed Project**

The proposed project includes the demolition of the existing hotel buildings (Best Western) and the construction of a 19,200 square foot of building for retail use. The development of the site is contingent on the requirement to process a Lot Line adjustment with the City's Public Works Department. See "Lot Line Adjustment" section of this report for more information.

### **Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2005-0399	Parking & Landscaping reconfiguration for existing free standing restaurant	Miscellaneous Plan Permit	Under Review
1995-0393	Plan Modification - Landscaping	Miscellaneous Plan Permit/ Approved	8/6/95

### **Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

### **Rezoning**

**Objective:** The Rezoning request allows the applicant to concurrently apply for a Special Development Permit (SDP) to construct the new retail center. The purpose of the ECR Combining District is to implement the vision described in the Precise Plan for El Camino Real. This vision calls for modifications, additions, and limitations to zoning district regulations in order to implement the plan for, and respond to the special conditions present along El Camino Real. In 1998, the City Council approved guidelines for the use of Combining Districts and Special Development Permits. The subject request for a Combining District meets two of the applicable established guidelines.

- *To facilitate development or redevelopment of a site to improve the neighborhood. (Meets)*
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project. (Meets)*
- *To allow for the development and creation of lots that are less than the minimum size required in the base zoning district. (N/A)*

**Discussion:** The ECR Combining District enables the consideration of deviations from the Code and/or imposition of more restrictive requirements. The ECR Combining District provides flexibility in formulating a project that promotes transition and reinvestment in the neighborhood. The ECR is a Combining District, similar in function to a Planned Development (PD)

Combining District, but with specific limitations/requirements for properties along El Camino Real.

The Precise Plan for El Camino is also intended to provide a strong vision for El Camino's future growth. It categorizes land uses that are considered desirable and uses that are considered unfavorable or obsolete. The plan identifies ten Opportunity Areas along El Camino that have a higher potential for change and greater contribution towards the plan's vision. The subject site is not identified as one of these ten Opportunity Areas. All parcels on the street are required to be Rezoned to ECR when redevelopment occurs. Specifically, the Precise Plan required all properties to be Zoned either C-2/ECR, O/ECR, or R-4/ECR.

The change of use to a retail development from a hotel use is compatible with the vision of the El Camino Real Precise Plan.

### **Special Development Permit**

**Detailed Description of Use:** The proposed use is for 19,200 of retail on a reconfigured site comprised of approximately 2.3 acres. The new building would include one major tenant comprised of 15,000 square feet with additional retail/restaurant uses comprising the remaining 4,200 square feet. The probable major tenant (Walgreen) proposes a 24 hour operation. A drive-thru window is proposed along the rear portion of the building that would enable customers the ability to purchase items from the pharmacy from their vehicles.

**Site Layout:** The layout of the site consists of a new commercial building located in the center of the newly configured lot. See Site Plan in Attachment #D for more detail. As stated previously, the existing lot lines would be adjusted through a required "Lot Line Adjustment" process. The property line between the Petsmart building, currently under construction, and the subject site would be modified. Additionally, a separate parcel that includes the existing restaurant (Crazy Buffet), to the east, is created. The Lot Line Adjustment does not require a public hearing. The layout allows circulation in each direction around the building.

A drive-thru is proposed along the rear portion of the larger tenant. Staff is concerned that a drive-thru use will have detrimental impact to adjacent residential uses to the south. Condition of Approval #1K requires elimination of this use for the site. However, if approved, staff recommends consideration of an alternative location. Staff notes that previous applications for a drive-thru use within the city for this use have been reviewed with mixed results due to compatibility within the specific neighborhood. The latest proposal submitted to staff (See Elevations in Attachment #D) includes a 6'-12' sound wall, with viewing windows, separating the drive-thru area from the drive aisle

closest to the residential area. This wall extends approximately 58 feet (25 feet away from building). Although the wall would offer noise attenuation, staff is not in support of this plan as it creates area on site that is difficult to monitor.

The entry to the larger tenant is located at the northwest corner of the structure. Each of the smaller tenant spaces allow for access at the front, El Camino side, of the building. A loading and trash & recycling enclosure area is located behind the smaller tenants of the building.

The following Guidelines were considered in analysis of the project site design.

<b>City-Wide Design Guidelines (Site Layout)</b>	<b>Comments</b>
<i>A3. Limit curb cut entries into project sites to maintain sidewalk and streetscape continuity. Shared driveway access on adjacent non-single family properties is encouraged.</i>	The project site shares access with the neighboring property to the west. The shared access will help improve circulation and mitigate traffic clutter within the parking area of the site.
<i>B5. Do not dominate street frontage of projects by surface parking to encourage pedestrian orientation and a continuous streetscape. Limit paved areas on street frontages of non-residential developments to one double row of parking and locate the rest of the parking elsewhere on the site.</i>	Although, the site provides one double row of parking along the street frontage, additional areas for parking are located on other sides building.
<i>B11. Define site boundaries by landscaping and bands of decorative paving to announce entry into the site.</i>	Landscaping is located throughout and along the perimeter of the site. Condition of Approval #8A(1) requires decorative paving at the main entrance of the site and shall include some form of impervious surface.

**Stormwater Management:** This project requires compliance with the new Stormwater Management requirements. The City of Sunnyvale requires Stormwater Management Plans to be certified by a qualified third party consultant prior to issuance of building permits.

The applicant has been advised of the associated Stormwater Management Plan costs and the responsibilities for construction and long term maintenance and reporting and has provided a preliminary plan that indicates generally how they will comply. A stormwater management plan is also under review for the

reconfigured restaurant (Crazy Buffet) site. Staff finds the initial submittal for the subject site to be sufficient; however, a third-party certified set of plans will be required prior to issuance of building permits.

The Santa Clara Valley Water District does not require a permit for this application. Standard construction Best Management Practices should be required to minimize impacts to the environment during construction. The current plan may incorporate the use of vegetated bioswales within the landscaped area of the site.

**Architecture:** The buildings would be primarily constructed with a plaster finish on all sides. A 3-foot concrete masonry block (CMU) base will also be utilized on each façade. An arcade element containing awnings projects from the larger tenant along the El Camino Real elevation and at the corner of the building. Overall, staff finds the architecture lacks sufficient detailing to meet City standards. Several simple enhancements are recommended to meet City-Wide Design Guidelines.

Wood trellises that include vegetation are located at various locations along El Camino Real and the right side of the building. Staff has included Condition of Approval #4A to require additional treatment in the form of trellises that include vegetation to break up the appearance of bare walls along the rear elevation of the building.

The minor tenants are proposed to be painted separate colors including shades of yellow, green and beige with elements of red. Staff has included Condition of Approval #5A(2) that would require additional color treatment to the larger tenant. Staff has worked with the applicant to increase the width of the cornice feature of the building; however, Condition of Approval #5A(3) will require additional treatment in the form of color and size to this architectural element. Staff feels that additional treatment to the tower element of the building could improve the visual impact of the new development. Staff has included Condition of Approval #5A(4) that would require modification to the roof form of the tower. More specifically, an increased overhang or treatment can be given to the area where the roof meets the building.

Staff has included Conditions of Approval #5A(5) & #5A(6) that requires decorative lighting on the pilasters of the arcade element of the building and special detail to the tile feature along each elevation. The decorative tiles could also be enlarged and incorporate additional design detail. Staff believes that the recommended alterations to the design of the building will enhance the overall aesthetic impact of the new development.

Signs that are illustrated on the elevations submitted to staff do not meet current code requirements. The applicant is required to revise the proposed



Master Sign Program that is under consideration with the retail uses on the adjacent lot (Best Buy and Petsmart) prior to approval of all proposed signs related to the new retail use (Condition of Approval #15A).

The following Guidelines were considered in the analysis of the project architecture.

<b>City Wide Design Guidelines (Architecture)</b>	<b>Comments</b>
<i>E7. Include architectural elements such as projecting cornices in design of flat roofs to define the edge of the roof.</i>	The proposed architecture includes a cornice feature with the proposed building. Staff has included Condition of Approval #5A(3) to increase the size and add color of this feature.
<i>F1. Develop a comprehensive material and color scheme for each project to tie in the various parts of the project. Choose variety of colors and materials to add interest to the buildings.</i>	Currently, the proposed architecture includes a variety of materials including plaster finish, concrete masonry base and wood trellis features. Colors vary amongst the separate tenants. As conditioned, enhancements that include additional color variation within the larger tenant elevations, decorative lighting, and improved decorative tile design will improve the visual impact of the new building.

**Landscaping:** The proposed landscaping plan indicates compliance with landscaping standards for the C-2 Zoning District with approximately 23,279 square feet. The site also provides a 15-foot wide front landscaping border that is required for new commercial development. A 10-foot wide landscaped area at the rear site lies between the commercial and residential properties. In consideration of the adjacent development, staff believes that an additional buffer area between the building and the residential uses should be considered. A minimum 20 foot landscape buffer would be consistent with the landscaping on the adjacent development. The existing fence would be removed along the rear property line and a new masonry wall would be constructed. A 6 foot high masonry wall is required between the two dissimilar uses; however, the applicant has stated that a 6 to 12-foot high wall may be constructed in consultation with the adjacent residents. Consistent with the adjacent property, staff recommends a minimum 8 foot high wall. Staff has included Condition of Approval #7B to require consultation with neighbors to provide an appropriate fence between 8 and 12 feet.

A preliminary landscaping plan indicates a variety of trees suggesting Chinese Elm and Coast Redwood along the rear of the property (See Landscape Plan on Page 4 of Attachment #D). The applicant has also mentioned a willingness to work with the neighbors to select an appropriate species for this area of the site (See Condition of Approval # 8H).

A variety of trees are proposed, within the site, to meet the 50% shading requirement within 15 years, per Sunnyvale Municipal Code Section 19.38.070. Of the existing 21 trees on site, a total of 15 will be removed. Five of the 15 trees are considered significant, or heritage trees. Heritage trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. Condition of Approval #8E requires that these trees be replaced with a minimum 36" box size.

As noted in the "Architecture" section of the report, additional vegetation in the form of vines will be planted at various locations within trellises attached along the perimeter of the buildings. See elevations on Page 3 of Attachment D for more detail.

The following Guidelines were considered in analysis of the project landscaping.

City-Wide Design Guidelines Landscaping	Comments
<i>B3. Provide a minimum of 10 ft wide landscape strip, plus decorative masonry wall at least 6 ft. high, between all non-residential development and abutting residential uses (Section 19.38.070e).</i>	The project applicant proposes a 10-foot landscape buffer and 6 to 12-foot (minimum) masonry wall along the rear property line. Consistent with neighboring development, staff has included Condition of Approval #8G to increase this rear yard buffer area to a minimum of 20 feet.

**Parking/Circulation:** Parking is located on all four sides of the proposed retail building. The site will share access to parking with the adjacent property to the west (Petsmart). The site meets parking standards with 110 spaces (5 accessible spaces) for retail centers within the C-2 Zoning District. Staff considers the site to be part of a larger retail center that includes the neighboring retail uses at 760 and 770 E. El Camino (currently Best Buy & PetSmart). The required parking for retail centers greater than 50,000 square feet is 1 space per 225 square feet. Therefore; 234 spaces are required for the combined sites. As proposed, the site would also meet parking requirements for stand alone centers under 20,000 square feet (107 spaces). Staff notes Condition of Approval #4B which requires that restaurant uses cannot exceed 10% percent of the uses within the retail center unless approved by a separate

Special Development Permit (including 760 & 770 E. El Camino Real). The site does not propose any compact parking spaces (a maximum of 10% of the total spaces is permitted).

Staff has required an additional Condition of Approval #1L to improve pedestrian circulation for the site. A pedestrian walkway to connect the neighboring uses to the east and west are required to be configured for the site. Staff has explored alternative locations for a walkway from El Camino Real. The applicant has expressed interest in retaining pedestrian access in close proximity to the Maria Lane & El Camino Real intersection.

Condition of Approval #1M requires redesign of the site plan to enable cross vehicular access to the property to west (Crazy Buffet restaurant). The applicant has indicated that an encroachment permit is being sought through the California Department of Transportation (Caltrans) that would enable driveway access for the neighboring site to El Camino Real. If this permit is granted, staff may consider the current design without shared access.

The following Guidelines were considered in analysis of the project parking and circulation.

<b>City Wide Design Guidelines Parking and Circulation</b>	<b>Comments</b>
<i>A3. Limit curb cut entries into project sites to maintain sidewalk and streetscape continuity. Shared driveway access on adjacent non-single family properties is encouraged.</i>	The project site shares access with the neighboring property to the west. The shared access helps improve circulation and mitigates traffic clutter within the parking area of the site.
<b>Guiding Policy:</b> <i>Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized and mitigated.</i>	The site would provide sufficient parking for the proposed retail uses. The site plan provides adequate circulation for vehicular traffic, and emergency access. As conditioned, additional pedestrian walkways will improve circulation for the site and to the public right of way. Bicycle parking will also be provided throughout the site for customers and employees.

**Art in Private Development:** This project is subject to the Art in Private Development requirements of Chapter 19.52 of the Sunnyvale Municipal Code as it is located on a lot of more than two acres. The applicant has been

working with staff and the Arts Commission to meet the City's requirements for art on commercial sites and develop a design appropriate for the site. Preliminarily, the applicant has indicated an integrated art program plan with the neighboring development to the west (under construction).

**Compliance with Development Standards/Guidelines:** The proposed project meets all standard development requirements for the C-2 Zoning District with the exception of S.M.C. Section 19.32.070, which states that:

*The height of buildings constructed or erected in any multiple family residential, commercial or industrial zoning district within seventy-five feet of the property line of property in a single-family residence zoning district shall not exceed twenty feet in the event existing buildings on the adjacent lot are one story or thirty feet if the existing buildings are two story or the lot is undeveloped.*

The privacy and aesthetic concerns facing the adjacent single family residences are mitigated due to the proposed and recommended buffer landscaping and screening trees. The one-story building, 22 feet high at rear portion, is positioned an adequate distance away from the rear property line. As noted on Attachment D, Page 5, the requirement (S.M.C. 19.32.070) is not met due to 2 one-story homes located within 75 feet to the proposed buildings.

**Expected Impact on the Surroundings:** The proposed retail building will have a visual impact to the site and surrounding area. The building is situated approximately 63 feet away (52 feet to current drive thru location) from adjacent residential uses. In comparison to the existing hotel buildings, the project is situated both further away from El Camino Real and residential uses to the south. The overall gross floor area of the buildings is significantly less, although in comparison portions of the existing hotel building lie on the reconfigured restaurant site. An 8-12 foot wall and buffer landscaping will help mitigate noise and aesthetic impacts of the new development. Staff is primarily concerned with the appropriateness of a drive-thru use next to single family residential uses. The Department of Public Safety has noted concerns with a location along the rear of the building. If approved, security recommendations include conditions of approval for increased lighting and surveillance cameras directed towards the driver and license plate area of vehicles should be required. (Condition of Approval #1N).

### **Fiscal Impact**

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The proposed use does not require a transportation impact fee as the new use does not result in an increase in net trips from the previous use. No fiscal impacts other than normal fees and taxes are expected.

## Public Contact

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A neighborhood meeting was held by the developer on June 2<sup>nd</sup> regarding the proposed project. Neighbors along Chopin Drive were primarily concerned with the following aspects of the proposed development: drive-thru use, landscape buffer and possible noise impacts. Attachment #F includes letters submitted to staff related to the proposal. Portions of these letters address concerns related to the previous proposal that is under construction on the adjacent lot. In terms of the current project, the letters state concerns related to the landscaping and tree selection of the site. As stated previously, the applicant will work with the neighbors to select an appropriate species. Additionally, concerns include the area of the pharmacy drive-thru and alternative locations are requested. Staff also notes a neighbor's preference for an additional wall between the landscaped area and the parking lot in effort to mitigate noise issues related to the development. Staff is concerned that this additional wall may create a closed off alley area at the rear of the site that may invite undesired activity.

**Planning Commission Study Session:** A Planning Commission Study Session was held on June 13, 2005. The most significant concerns related to the proposed pharmacy drive-thru use and the architecture of the building. The Planning Commission stated concerns with a drive-thru use located next to single family residential uses. The Commission also explored locating the drive-thru at alternative locations to lessen any possible impacts to neighbors. Additionally, commissioners felt that additional attention was needed to enhance the design of the buildings. The applicant has submitted revised drawings of the buildings since the meeting. As noted in the "Architecture" section of the report, staff is recommending additional design enhancements to the building. Other concerns related to pedestrian circulation of the site. Staff has included conditions to improve the pedestrian circulation from the proposed development to neighboring commercial uses.

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>Published in the <i>Sun</i> newspaper</li> <li>Posted on the site</li> <li>284 notices mailed to the property owners and residents within 300 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>Posted on the City of Sunnyvale's Website</li> <li>Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>Posted on the City's official notice bulletin board</li> <li>City of Sunnyvale's Website</li> <li>Recorded for SunDial</li> </ul>

## **Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

## **Alternatives**

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### **Recommend to the City Council:**

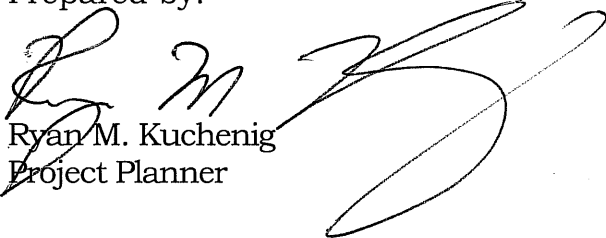
1. Adopt the Negative Declaration and introduce an Ordinance to Rezone 782 and 820 East El Camino Real from C-2 to C-2/ECR and approve the Special Development Permit with attached conditions including enhanced landscape buffer, removal of the drive-thru, and upgrades to the architecture.
2. Adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 782 and 820 East El Camino Real from C-2 to C-2/ECR and approve the Special Development Permit with modified conditions including allowing the drive-thru use with conditions requiring improved security measures including improved lighting and camera surveillance.
3. Adopt the Mitigated Negative Declaration and do not introduce an Ordinance to Rezone 782 and 820 East El Camino Real from C-2 to C-2/ECR and deny the Special Development Permit.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

## **Recommendation**

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Recommend Alternative 1 to the City Council.

Prepared by:




Ryan M. Kuchenig  
Project Planner

Reviewed by:



Gerri Caruso  
Principal Planner

Reviewed by:



Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Project Description and Justifications from the Applicant
- F. Letters from Other Interested Parties
- G. Draft Rezoning Ordinance





# **Attachment A**

## **Recommended Findings**

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**Recommended Findings - Rezone**

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In order to approve a Rezoning request the City Council is required by Zoning Code Section 19.92.050 to make a finding that "the amendment, as proposed, changed, or modified, is deemed to be in the public interest." The proposed Rezoning is consistent with this finding because it is consistent with the proposed General Plan land use designation and assists the City in meeting the goals of the Precise Plan for El Camino Real.

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**Recommended Findings - Special Development Permit**

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**Land Use and Transportation Element**

**Policy N1.2:** *Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.*

The proposed retail development is compatible with surrounding uses along El Camino Real. The architecture and landscape enhancements to the site, as conditioned, will enhance the overall streetscape of the immediate area and be compatible with residential uses.

**Community Design Sub-Element**

**Policy C.1:** *Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for business, residents, and visitors, and be reasonable balanced with the need for economic development to assure Sunnyvale's economic prosperity.*

**Policy C.4:** *Encourage quality architectural design, which improves the City's identity, inspires creativity, and heightens individual as well as cultural identity.*

As conditioned, the proposed project will revitalize the existing vacant use with new commercial development. The proposed architecture and landscaping will significantly enhance the visual appearance of the site from El Camino Real and the surrounding area.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the proposed

uses will introduce a new retail opportunity to the site as well as enhance the overall streetscape of the area. As conditioned, the project features should not negatively impact uses on adjacent properties. Increased landscaping throughout the site and improved circulation integrates with the layout of neighboring commercial uses.

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## **Attachment B**

### **Recommended Conditions of Approval**

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**Recommended Conditions of Approval - Special Development Permit**

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a building permit for this project.
- C. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- E. Execute a Special Development Permit document prior to issuance of the building permit.
- F. Obtain approval of and record Lot Line Adjustments prior to issuance of a Building Permit.
- G. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a building permit.
- H. The applicant shall contact the City's Environmental Division prior to issuance of a Building Permit regarding water pollution control measures (related to sanitary sewer and storm discharge) to be incorporated into the project construction, design and operation. Incorporate features recommended by the environmental division or explain why the features cannot be incorporated, subject to review and approval of the Director of Community Development.
- I. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building

permit in conformance with 12.60 of the Sunnyvale Municipal Code, including third party certification of the final plan. Certified Stormwater plans must be recorded with the property deed. The owner is responsible for maintaining the stormwater BMPs.

- J. The developer shall work with the Santa Clara County Transit District in establishing bus stops, shelters, pads and turnout locations, if desired by the District.
- K. Drive-thru use shall be removed from approved site plan.
- L. Indicate cross pedestrian access to parking areas of adjacent commercial sites on a revised site plan.
- M. Submit revised site plan indicating cross vehicular access to the property to west (restaurant). Staff may consider current plan upon approval of by the California Department of Transportation (Caltrans) enabling driveway access for the adjacent site from El Camino Real. The final site plan is subject to review and approval of the Director of Community Development prior to issuance of a building permit.
- N. If a drive-thru use is permitted, surveillance cameras an increased lighting shall be utilized within the approved location to improve security. Proper location of security measures shall be considered as to not impact adjacent properties.
- O. Out-of door loudspeakers shall be prohibited.
- P. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.

## **2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.
- B. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

## **3. ART IN PRIVATE DEVELOPMENT**

- A. Comply with the art in private development requirements as noted in Sunnyvale Municipal Code Section 19.52.
- B. Provide publicly visible artworks along El Camino Real.
- C. Submit an Art in Private Development application to the Director of Community Development for approval by the Arts Commission, prior to issuance of a Building Permit.



- D. A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the development project will be required prior to applying for a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque.

**4. COMMERCIAL USE**

- A. All uses permitted within a C-1 Zoning District (SMC 19.20.030) shall be permitted on this property, except that the following uses shall require a separate Special Development Permit:
  - 1) Sit-down restaurants with hours after 10:00 p.m.
  - 2) Entertainment uses
  - 3) Establishments for which an on-sale liquor license is required
- B. Restaurant uses shall not exceed 10% of the gross floor area of the retail center including uses at 760 and 770 E. El Camino Real unless approved by a separate Special Development Permit.

**5. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. The modified plans shall include the following additional modifications to the architecture of the new building:
  - 1) Additional trellis features, including vegetation along rear elevation(larger tenant) of the building
  - 2) Modify color/shade of the plaster finish for the major tenant
  - 3) Increase size and add color treatment to the cornice feature of the building
  - 4) Additional treatment to the tower element (overhang, cornice or roof form) of the major tenant
  - 5) Utilize decorative lighting on pilasters
  - 6) Increase size and/or modify design of decorative tile feature along building facade
- B. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit.
- C. Fabric awnings shall be replaced at least every five years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development.

**6. EXTERIOR EQUIPMENT**

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

**7. FENCES**

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Install and maintain a minimum 8-foot solid, decorative masonry wall (along the property line adjacent to residential uses), measured from the highest adjoining grade, of a design approved by the Director of Community Development. Wherever there is a grade differential, a concrete or masonry retaining wall shall be installed. The applicant shall consult with adjacent residents to provide an appropriate fence between 8 to 12 feet in height.

**8. LANDSCAPING**

- A. Landscape and irrigation plans shall be submitted for review by the Director of Community Development prior to issuance of a building permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
  - 1) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas. The entryway paving shall utilize some form of impervious surface.
  - 2) Provide separate meter for domestic and irrigation water systems.
  - 3) The landscape plan shall including street trees and shall be submitted and approved by the City Arborist.
  - 4) All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
  - 5) Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development.
  - 6) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
  - 7) All areas not required for parking, driveways or structures shall be landscaped.

- 8) Tree canopies must provide a minimum of 50% parking lot shading at 15 years.
- B. A tree protection plan shall be submitted for any existing trees to remain on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.
  - C. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
  - D. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
  - E. Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
  - F. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
  - G. Provide a twenty-foot wide landscape buffer along the south property line. If a drive thru use is permitted behind the building, a ten-foot buffer may be allowed for only the portion needed for circulation around this area.
  - H. Consult with adjacent residents to determine the appropriate species of trees along the rear landscaped buffer area.

**9. LIGHTING**

- A. Prior to issuance of a building permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
  - 1) Sodium vapor (of illumination with an equivalent energy savings).
  - 2) Provide photocells for on/off control of all security and area lights.
  - 3) All exterior security lights shall be equipped with vandal resistant covers.
  - 4) Wall packs shall not extend above the roof of the building.

- 5) Lights shall have shields to prevent glare onto adjacent residential properties.
- 6) Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.
- 7) Pole heights not to exceed 24 feet within the interior of the site and 15 feet along the periphery adjacent to residential uses.

**10. PARKING**

- A. Specify customer and employee parking areas on plans. All such areas shall be clearly marked. Employees shall be required to park on the site.
- B. Specify compact parking spaces (if used) on building permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- C. Submit a revised parking and circulation plan to the Director of Community Development for review and approval prior to issuance of a building permit. The four parking spaces in front of smaller tenant shall be reconfigured from angled to perpendicular parking.
- D. No vehicles or trailers shall be advertised for sale or rent on the site and no vehicle sales, leasing or rentals shall be conducted at the site.
- E. No inoperable vehicles shall be stored out-of-doors at the site for more than 24 hours.
- F. Unenclosed storage of any vehicle shall be prohibited.

**11. BICYCLE PARKING**

- A. Provide 1 Class I and 4 Class II bicycle parking spaces per VTA Bicycle Technical Guidelines as approved by the Director of Community Development.

**12. RECYCLING AND SOLID WASTE**

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for review and approval prior to submittal for a building permit.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.

- D. Remove all debris, structures, area light poles, and paving from the site prior to commencement of new construction.

**13. RIGHT-OF-WAY IMPROVEMENTS**

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliners (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.
- C. Provide a traffic signal on the subject side at Maria Avenue & El Camino Real intersection.
- D. Obtain necessary permits through Caltrans.

**14. ROOF/ROOF SCREENS**

- A. Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.

**15. SIGNS**

- A. All existing/new signs shall be in conformance to an approved Master Sign Program and shall be in a coordinate program with the commercial development located at 760 and 770 E. El Camino Real.
- B. Install additional signage and post as needed on El Camino Real along the frontage of the site that shall state: "No Parking Any Time" on El Camino Real Ave.

**16. STORAGE**

- A. Unenclosed storage area(s) shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.

**17. UNDERGROUND UTILITIES**

- A. All proposed utilities shall be undergrounded.
- B. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.

- C. If any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plan to Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- D. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- E. Improvement plans showing conduits for future undergrounding of any existing overhead utilities shall be submitted to the Planning Division for review and approval prior to issuance of a Building Permit. Complete installation of conduits prior to occupancy.
- F. A copy of an agreement with affected utilities companies for any existing overhead utilities which are on-site or within adjoining rights-of-way shall be provided to the Director of Community Development prior to issuance of a Building Permit or a deposit or bond in an amount sufficient to cover the cost of undergrounding shall be made with the City.

**18. MISCELLANEOUS**

- A. Prior to commencement of new construction remove all debris, structures, area light poles, and paving from the site.
- B. No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is to the rear of the proposed building, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors.